

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NUMBER:

10/051,948

APPLICANT:

GAYLE ROSENBERG

ELI S. PINE

TITLE:

EXPAND-A-PLATTER/TRAY:

MAILING DATE:

JUNE 7, 2005

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Express Mail mailing label number: EV 481169420 US

Date of Deposit:

JUNE 7, 2005

- I, JUDITH L. CAMPIONE, being of full age certify as follows:
- 1. I am the secretary to Arnold D. Litt, attorney in charge of the prosecution of the above-captioned registration.
- 2. In that capacity she caused to be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, by Express Mail, the following:
 - A. Amendment and Response to Office Communication dated May 16, 2005;
 - B. Certificate of Mailing
 - E. Postcard to be date stamped and returned
- 3. All statements made are true and all statements made on information and belief are believed to be true. The undersigned is aware of the fact that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the document and the registration.

Dated: June 7 2005

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June 7, 2005

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VIA EXPRESS MAIL (EV 481169420US)

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

RE:

TITLE: - EXPAND-A-TRAY/PLATTER

APPLICATION NO.: 10/051,948

APPLICANT: GAYLE ROSENBERG & ELI S. PINE

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MAY 16, 2005

Dear Sir:

Enclosed please find an Amendment and Response to Office Action dated May 16, 2005, Certificate of Mailing, and a stamped, self-addressed postcard to confirm receipt regarding the above captioned matter.

Should you have any questions, please feel free to contact me.

Very truly yours

PEIN, SHERIDAN, CEVASCO, TOSKOS & HARZ, L.L.C.

(RNOLD)D. LITT, ESQ.

ADL:ilc **Enclosures**

cc:

Gayle Rosenberg

Eli S. Pine

Also Member of CA Bar † Also Member of PA Bar

A Also Member of NY Bar

Also Member of TX Bar

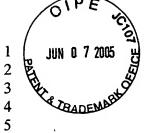
Also Member of DC Bar

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+ Also Member of US Patent Bar O New Jersey Supreme Court

Certified Civil Trial Attorney

6-8-05



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NUMBER:

10/051,948

AMENDMENT AND RESPONSE

TO OFFICE ACTION

DATED: MAY 16, 2005

TRAVERSE OF RESTRICTION

REQUIREMENT

BEFORE THE EXAMINER

JENNIFER ELEANORE NOVOSAD

ART UNIT: 3634

12 . 13 **APPLICANT:**

GAYLE ROSENBERG

AND ELI S. PINE

TITLE:

EXPAND-A-TRAY/PLATTER

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24 : Commissioner for Patents

Mail Stop: Non-Fee Amendment

Alexandria, Virginia 22313-1450

27 Dear Sir: 28

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PRELIMINARY REMARKS:

In a telephone conversation with Examiner Jennifer E. Novosad on May 25, 2005, the amendment to New Claim 5 to make it dependent on New Claim 4 was discussed. It was the undersigned's understanding that the Examiner agreed that the restriction requirement would be withdrawn with regard to Claim 5 in the event it were made dependent upon Claim 4. As such, the only remaining restriction would relate to the method claim of Claim 18. Applicant traverses the restriction requirement with regard to Claim 18 (and claims 19 - 23 dependent thereupon) on the basis that there is no material difference whether the separators are inserted into the apertures before or after the frames are slidably affixed together. However, with the assumed allowance of Claim 4 and all claims dependent thereupon, applicant elects the invention as claimed in Claim 4 and all dependent claims therefrom; accordingly applicant cancels claims 18-23 as directed to a non-elected method.

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